Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of the former Yugoslav Republic of Macedonia*

1. The Committee considered the sixth periodic report of the former Yugoslav Republic of Macedonia (CEDAW/C/MKD/6) at its 1646th and 1647th meetings (see CEDAW/C/SR.1646 and CEDAW/C/SR.1647), held on 1 November 2018. The Committee's list of issues and questions is contained in CEDAW/C/MKD/Q/6, and the responses of the State party are contained in CEDAW/C/MKD/Q/6/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report, as well as its follow-up report to the previous concluding observations of the Committee (CEDAW/C/MKD/CO/4-5/Add.1) and the oral presentation by the delegation, as well as the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Labour and Social Policy, Mila Carovska, and included a member of the Assembly, representatives of the Ministry of Health, the Ministry of Agriculture, Forestry and Water Economy, the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Affairs and the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations Office and other international organizations in Geneva, and interpreters.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined fourth and fifth periodic reports (CEDAW/C/MKD/4-5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Law on International and Temporary Protection, establishing protection on the basis of sex and gender in processes of international and temporary protection of asylum seekers and refugees, in 2018;

(b) Amendment to the Law on Social Protection, providing for the protection of women who are victims of trafficking and sexual violence, in 2018;

* Adopted by the Committee at its seventy-first session (22 October–9 November 2018).

(c) Amendment to article 64 of the Electoral Code, introducing a 40 per cent quota for participation of the lesser represented sex on the electoral lists of political parties for elections to the Assembly and the Municipal Councils, in 2015;

(d) Law on Prevention and Protection of Domestic Violence, in 2014, and its by-laws, in 2015, adopting and implementing measures for the protection and redress of victims of domestic violence;

(e) Amendments to paragraph 1 of article 418-8 of the Criminal Code, defining trafficking in persons as a criminal offence, in 2014;

(f) Law on Protection against Harassment at the Workplace, prohibiting psychological and sexual harassment at the workplace and providing for redress mechanisms, in 2013.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the establishment of the National Coordination Body against Domestic Violence in 2017 and the adoption of the following:

(a) National action plan for gender equality for the period 2018–2020;

(b) National strategy and the national action plan for combating trafficking in persons and illegal migration for the period 2017–2020;

(c) Strategy on gender equality for the period 2013–2020 and its national action plans for the periods 2013–2016 and 2017–2020;

(d) Action plan for sexual and reproductive health relating to situations of crisis and emergency situations of 2016 and standard operating procedures for the prevention of and response to gender-based violence;

(e) New strategy for Roma for the period 2014–2020 and its national action plan for the period 2016–2020;

(f) Methodology on gender-responsive budgeting for State administration bodies of 2014.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence, in 2017.

Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

C. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It

invites the Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

D. Principal areas of concern and recommendations

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

9. The Committee notes that the Convention is an integral part of the legal order in the State party and that information about the Convention, its principles and provisions are an integral part of the training for judges at the Academy for Judges and Prosecutors. Nevertheless, the Committee is concerned about the general lack of awareness of the Convention, the Optional Protocol and the Committee's general recommendations in the State party.

10. **The Committee reiterates its previous recommendation (CEDAW/C/MKD/CO/4-5, para. 9) and recommends that the State party:**

(a) **Ensure that the Convention is applied by public authorities, across all sectors and at all levels, in legislation and policies and by the judiciary in court decisions;**

(b) **Provide all women, in particular Roma women, women from rural areas, women migrants, asylum seekers and refugees and women with disabilities, with information about the Convention, its Optional Protocol and the Committee's general recommendations;**

(c) **Strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and other legal professionals on the Convention, the Optional Protocol, the Committee's general recommendations and the Committee's views on individual communications and inquiries, so as to enable them to apply, invoke and/or refer to the provisions of the Convention directly and to interpret national legislation in line with the Convention.**

Legislative framework and protection from discrimination

11. The Committee welcomes the State party's efforts to adopt legal reforms required to ensure compliance with the principles of equality and non-discrimination enshrined in the Convention. In particular, it takes note of the draft law on prevention of and protection from discrimination, the draft law on combating gender-based violence against women and the proposed reforms to the Electoral Code and to the Law on Labour Relations. The Committee remains concerned, however, about the following:

(a) The delay in adopting the draft law on prevention of and protection from discrimination, despite assessments and consultation processes to prepare the current draft;

(b) The limited effectiveness of the Law on Equal Opportunities for Women and Men, in particular at the municipal level, and that the scope and time frame of further amendments to the law have yet to be defined;

(c) The de facto, multiple and intersectional forms of discrimination against women, in particular Roma women, women in rural areas, migrant, asylum-seeking and refugee women and women in prostitution.

12. **The Committee reiterates its previous recommendation (CEDAW/C/MKD/CO/4-5, para. 11) and recommends that the State party:**

(a) **Accelerate the adoption of the draft law on prevention of and protection from discrimination, ensuring protection from discrimination on the basis of sex and protection from multiple and intersecting forms of discrimination;**

(b) **Accord priority to the recognition of gender-based violence against women, including sexual violence, as a form of discrimination, accelerate the adoption of the draft legislation recognizing all forms of gender based-violence against women and establishing effective remedies for victims;**

(c) **Determine a time frame and thematic priorities concerning the amendments to the Law on Equal Opportunities for Women and Men, ensuring that amendments are in compliance with the principle of equality and non-discrimination in all areas covered by the Convention, in collaboration with stakeholders, including civil society organizations;**

(d) **Develop a plan for targeted implementation of the Law on Equal Opportunities for Women and Men, ensuring a focus on Roma, rural, migrant, asylum-seeking and refugee women, women in prostitution and women with disabilities;**

(e) **Strengthen cooperation with civil society organizations and other stakeholders with the aim of identifying and addressing situations of exclusion, deprivation, poverty and neglect.**

Access to justice

13. The Committee notes with appreciation the legislation in the State party providing for free legal aid and establishing complaint mechanisms for cases of discrimination on the basis of sex or gender. The Committee also notes measures such as the development of a mobile application for submitting complaints relating to discrimination, which is available free of charge. However, the Committee notes the following with concern:

(a) The barriers for women to claim their rights and obtain redress, owing to the eligibility requirements, such as previous registration of victims with the Ministry of Interior and the Centres for Social Work, preventing access to free legal aid, and the delays in confirming legal representation by legal aid providers, as well as unaffordable court and forensic fees;

(b) The persistence of gender stereotypes among law enforcement officers, including the police;

(c) The compulsory mediation and reconciliation procedures in cases involving gender-based violence against women;

(d) The lack of information about mechanisms for seeking reparations, including compensation, in cases of discrimination against women on the basis of sex or gender;

(e) The continued underreporting of cases relating to discrimination on the basis of sex or gender received by the Commission for Protection against Discrimination and the Ombudsman's Office (CEDAW/C/MKD/6, paras. 26–27).

14. **In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that women and girls have access to legal aid, irrespective of their income, ethnic background or social status, and ensure the presence of appropriate, sufficient and qualified providers of legal aid across the State party,**

paying attention to the situation at the State level and in local self-government units;

(b) **Ensure that intersecting forms of discrimination are adequately addressed by courts, including through awareness-raising activities and training for judges and lawyers on the importance of addressing violations of women's rights;**

(c) **Adopt and develop mechanisms and guidelines for seeking reparations in cases of discrimination on the basis of sex or gender, including restitution, compensation and other civil remedies, rehabilitation and various forms of protection and support;**

(d) **Conduct a legislative review, and amend the relevant provisions in the Law on Family and other legislation, with the aim of abolishing any form of compulsory mediation and/or reconciliation in cases of gender-based violence against women;**

(e) **Establish a mechanism to collect information on case law at all levels of the judicial system, with the aim of monitoring the effectiveness of law enforcement regarding complaints filed by women, in particular of gender-based violence and other forms of discrimination.**

National machinery for the advancement of women

15. The Committee commends the State party for establishing gender equality as a priority of the current Government's work programme for the period 2017–2020, in line with its commitments under the 2030 Agenda, at the national and local levels. It also welcomes the process undertaken to implement gender-responsive budgeting at the central and local government levels and the announcement that a special high-level government body for gender equality is to be established. The Committee is concerned, however, about the following:

(a) The current lack of institutional autonomy of the Department for Equal Opportunities, currently under the Ministry of Labour and Social Policy, and the insufficient funding allocated for its functioning and for implementing public policies and strategies relating to the Convention;

(b) The uneven implementation of public policies across the State party and the limited effectiveness of the commissions for equal opportunities for women and men and their coordinators in giving effect to the Convention, with only 14 of 81 local self-government units having prepared local action plans to give effect to the Convention;

(c) The insufficient consultation with civil society organizations in relation to the public policy framework on women and girls at the national and local levels.

16. **The Committee recommends that the State party:**

(a) **Strengthen the decision-making capacity and authority of the Department for Equal Opportunities and consider upgrading it to the ministerial level to effectively operate as the national machinery for the advancement of women;**

(b) **Ensure the allocation of earmarked regular funding for entities comprising the national machinery at the national and local levels;**

(c) **Accelerate the establishment of commissions for equal opportunities for women and men in all municipalities and develop a strategy, including through capacity-building programmes aimed at strengthening the role and performance of the commissions;**

(d) **Adopt monitoring mechanisms relating to the implementation of legislation and public policies for the advancement of women and conduct periodic monitoring of the national action plan for gender equality for the period 2018–2020 and subsequent action plans;**

(e) **Strengthen its statistical and data collection systems at the national and local levels and ensure the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, ethnicity, location and socioeconomic background, on all areas covered by the Convention;**

(f) **Ensure formal and permanent consultation processes and cooperation between the national machinery and civil society organizations, including those representing the interests of Roma, rural, migrant and refugee women, women with disabilities and women in prostitution.**

National human rights institution

17. The Committee welcomes the information about the increased funds provided for the functioning of the Ombudsman's Office and its appointment as a national body for the prevention of torture. It is concerned, however, that the Ombudsman's Office has insufficient human and technical capacity to promote and protect women's rights.

18. **The Committee recalls its previous recommendations (CEDAW/C/MKD/CO/4-5, para. 13) and recommends that the State party take the steps necessary to bring the Ombudsman's Office fully into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), taking into consideration the recommendations of the Global Alliance of National Human Rights Institutions. It also recommends that the State party ensure the allocation of appropriate human, financial and technical resources for the Ombudsman's Office and strengthen its mandate concerning the protection of women's rights and gender equality.**

Temporary special measures

19. The Committee welcomes the State party's efforts to advance the rights of Roma women, such as the new strategy for Roma for the period 2014–2020 and the national action plan for the period 2016–2020, which include positive measures in the areas of employment, education, housing, health and culture. Nevertheless, the Committee remains concerned about the limited implementation of temporary special measures and that the existing measures, such as quotas, do not cover all areas of the Convention. It is also concerned about the limited information on the use of temporary special measures to achieve the substantive equality of migrant, asylum-seeking and refugee women, rural women and women with disabilities, who face intersecting forms of discrimination.

20. **The Committee recalls its previous recommendation (CEDAW/C/MKD/CO/4-5, para. 19) and recommends that the State party:**

(a) **Reinforce the application of temporary special measures in the legislative and executive authorities and in the judiciary, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas covered by the Convention in which women, including women belonging to ethnic minority groups, are underrepresented or disadvantaged;**

(b) **Monitor the progress and outcomes of temporary special measures, including by establishing benchmark indicators, identifying the groups of women and areas of focus to target and the necessary budgetary allocations and adopting**

guidelines that support duty bearers in applying temporary special measures throughout policymaking processes;

(c) **Adopt a plan of action, with temporary special measures, to address the exclusion and intersecting forms of discrimination faced by Roma women, women and girls with disabilities and rural women.**

Stereotypes and harmful practices

21. The Committee welcomes the information provided by the State party about measures taken to prevent gender stereotypes, including sexism in radio and television. It remains concerned about the following:

(a) The persistence of discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family, in the education system and in society;

(b) The persistence of child and forced marriages, despite legislation prohibiting marriage for those under the age of 16 and the safeguards in place for marriage involving children between 16 and 18 years of age, and its impact, in particular on Roma women;

(c) Reports of the practice of "buying" child brides, largely affecting girls in situations of poverty and social exclusion, in particular in remote areas;

(d) The discriminatory attitudes online, including hate speech on social media, against women and girls.

22. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive and community-based strategy aimed at eliminating discriminatory gender stereotypes and harmful practices against women, including by strengthening the review process of textbooks and curricula, ensuring access to education for girls in the most disadvantaged areas, and their regular attendance, and that education has a role in transforming the concepts of gender roles in society, promoting non-violent masculinity and engaging in this regard with civil society organizations, including parents, youth organizations in urban and rural areas, private associations and the business sector;**

(b) **Enforce the provisions concerning registration of marriages, provide women with accessible information on and infrastructure for registration processes and adopt a plan to identify, rescue and protect victims of child and/or forced cohabitation or marriage;**

(c) **Systematically collect data, disaggregated by age and other relevant factors, on child and/or forced marriages and other harmful practices and the related legal sanctions imposed on perpetrators in the State party and make information on ways to combat such practices widely available;**

(d) **Reinforce measures to prevent and monitor hate speech against women and girls on social media by ensuring the effective enforcement of criminal sanctions in relation to hate speech, focusing on women belonging to ethnic and other minority groups.**

Gender-based violence against women

23. The Committee welcomes the State party's adoption of its action plan, covering up to 2023, for implementing the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence. It also notes measures to provide shelters for victims of domestic violence and the establishment

of a helpline for reporting domestic violence. The Committee remains concerned, however, about the following:

(a) The fact that the current legislation does not recognize and criminalize all forms of gender-based violence against women and girls, including physical, sexual, psychological, and economic violence, in public and private spheres and that the current legislation on domestic violence is gender-neutral and does not recognize the specific gendered aspects of domestic violence;

(b) The fact that the definition of rape under the Criminal Code (art. 186) does not include marital rape and requires that penetration be an element of the crime;

(c) The high prevalence of gender-based violence against women and girls and the high number of killings of women (femicides);

(d) The absence of a comprehensive system to collect data, disaggregated by relevant factors, concerning the various forms of gender-based violence against women and girls, including information on the relationship of the perpetrator to the victim;

(e) The obstacles faced by women in acquiring temporary protection orders, including the delay in holding, and the lack of a gender-sensitive approach during, proceedings, and the lack of mechanisms to monitor their implementation;

(f) The limited number of shelters available in the State party, despite the high incidence of gender-based violence against women and girls, including domestic violence;

(g) The fact that women and girls, including migrant and refugee women, do not have access to referral centres for victims of sexual violence.

24. **Recalling its general recommendations No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Prioritize the enactment of legislation to address all forms of gender-based violence, including violence occurring in marriages and de facto unions, in particular marital rape, and in public and private life, review the gender-neutral provisions in the Law on Prevention and Protection against Domestic Violence and guarantee that the gender dimensions of domestic violence are taken into account in proceedings enforcing the law;**

(b) **Ensure that the national coordination body against family violence has a mandate concerning all forms of gender-based violence against women and that it adopts measures to identify and combat the specific gender-related aspects of domestic violence;**

(c) **Amend the Criminal Code in order to ensure that the definition of rape and other sexual crimes is based on the lack of consent and remove the requirement that penetration be an element of the crime;**

(d) **Adopt a comprehensive strategy to prevent all forms of gender-based violence against women, addressing the underlying causes of gender-based violence and situations of heightened risks for women with disabilities, women in prostitution and women in all situations of detention;**

(e) **Systematically collect data, disaggregated by relevant factors, on cases of gender-based violence and discrimination against women brought before the courts and on the number of temporary protection orders and include such data in the next periodic report;**

(f) **Guarantee access to free legal aid in proceedings relating to gender-based violence against women, in particular in relation to temporary protection orders, prevent stigmatization of and ease the burden of proof on victims requesting protection orders, guarantee the implementation of those orders by the police and the courts and ensure coordination among the institutions responsible;**

(g) **Increase the number of shelters, and ensure that access for women who are victims of gender-based violence is within a reasonable distance, and of counselling and rehabilitation services across the State party and ensure that women and girls who are victims of gender-based violence have full and barrier-free access to medical and psychological support.**

Trafficking and exploitation of prostitution

25. The Committee acknowledges the measures established in the State party concerning trafficking in persons, including the work of the Unit for Combating Trafficking and Illegal Migration, the adoption of a national mechanism for the referral of victims of trafficking and the establishment of mobile teams by public authorities and civil society organizations. However, it notes the following with concern:

(a) The fact that the State party is a country of transit and destination for trafficking in women and girls for the purposes of sexual exploitation and forced labour;

(b) The low number of women and girls who are victims of trafficking in persons who have been identified and provided with referral services;

(c) The lack of information on rehabilitation and reintegration measures for women and girls who are victims of trafficking, including psychological assistance and shelters;

(d) The absence of prosecutions and convictions of perpetrators of trafficking in persons, including in cases of forced labour.

26. **The Committee recommends that the State party:**

(a) **Ensure the effective enforcement of anti-trafficking legislation, including by providing judges, prosecutors, border police, immigration authorities and other law enforcement officials with mandatory training in its gender-sensitive application;**

(b) **Allocate appropriate human, technical and financial resources to implement the national strategy and the national action plan for combating trafficking in persons and illegal migration for the period 2017–2020 and evaluate the impact of its implementation;**

(c) **Increase the coverage of the mobile teams for the identification of trafficking, along with strategies for the identification and referral of victims, and accelerate the adoption of mechanisms to provide restitution and compensation to victims of trafficking;**

(d) **Effectively investigate and prosecute all cases of trafficking in persons, in particular women and girls and ensure that the sentences imposed on perpetrators of trafficking-related crimes are commensurate with the gravity of those crimes;**

(e) **Strengthen the human, technical and financial resources of the Public Prosecutor's Office and the unit for trafficking in persons and smuggling of migrants of the Department for Criminal Investigations.**

27. The Committee notes with concern the information it has received about cases of gender-based violence against women in prostitution, including physical and verbal violence, harassment, ill-treatment and arbitrary detention, by the police. It also notes with concern that women in prostitution face barriers to access to shelters for victims of violence and limited access to health care. The Committee is also concerned about the absence of exit programmes for women who wish to leave prostitution.

28. **The Committee recommends that the State party:**

(a) **Combat violence against women in prostitution and adopt measures to prevent, investigate, prosecute and adequately punish such violence;**

(b) **Ensure that health-care and social protection programmes are available to women in prostitution, strengthen income-generating opportunities for women and provide exit programmes for women who wish to leave prostitution.**

Participation in political and public life

29. The Committee is concerned that:

(a) Women are still underrepresented in the Assembly, the Cabinet and municipal councils, among mayors, in decision-making positions in the foreign service and in the judiciary;

(b) There is a lack of programmes and strategies to ensure the participation of Roma women, rural women and women with disabilities in all spheres of life and in decision-making positions and processes in public and private organizations;

(c) There is a lack of systematic data collection to monitor progress in efforts to increase the representation of women in political and public life.

30. **The Committee recommends that the State party:**

(a) **Extend the use of quotas, in the electoral law, to include the elections of mayors at the local level;**

(b) **Adopt targeted measures, including temporary special measures, such as a gender parity system, for the accelerated recruitment and appointment of women to decision-making positions in public administration, including the diplomatic service;**

(c) **Adopt strategies and programmes to facilitate and promote the involvement of women in political and public life, in particular women belonging to disadvantaged groups, including by training women in leadership, campaigning and constituency-building to prepare them to stand for election;**

(d) **Promote the equal participation of women in decision-making processes at all levels in the public and private sectors and ensure that Roma women, rural women and women with disabilities in particular have access to decision-making positions and mechanisms in public institutions such as the Ministry of Agriculture, Forestry and Water Economy;**

(e) **Systematically collect data to monitor the progress of the representation of women in political and public life.**

Nationality

31. The Committee acknowledges the measures taken by the State party to promote birth registration in the State party. However, it notes the following with concern:

(a) The barriers faced by Roma women in gaining access to identity documents and the prevalent risk of statelessness among Roma children, which causes marginalization and de facto exclusion from education, health care and employment and heightens their risk of experiencing gender-based violence against women, trafficking and exploitation;

(b) The barriers for Roma women who lack identity documents to be able to transfer nationality to their children and the very low level of birth registration among the Roma population.

32. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Collect, analyse and make available statistics, disaggregated by sex, on stateless persons within its territory;**

(b) **Ensure that women and girls have equal access to identity documentation, including proof of nationality, and adopt measures to expedite legal procedures and reduce administrative fees relating to the issuance of identity documentation;**

(c) **Redouble its efforts to ensure access to birth registration across the State party and ensure that public authorities uphold the rights of Roma women to acquisition, change and retention of nationality in all proceedings covered by legislation on citizenship;**

(d) **Ensure that the existing mechanisms for providing access to health care, housing, employment and social protection programmes reach stateless Roma persons, in particular women and girls;**

(e) **Accede to the 1961 Convention on the Reduction of Statelessness;**

(f) **Collaborate with United Nations entities, including the Office of the United Nations High Commissioner for Refugees, to accelerate the identification, reduction and prevention of statelessness and the protection of stateless persons, in particular stateless Roma women.**

Education

33. The Committee welcomes the information it received regarding the recognition of the principle of compulsory secondary education and benefits, such as free-of-charge transportation, accommodation in dormitories and books, as well as a conditional cash assistance programme. However, the Committee notes the following with concern:

(a) The high rate of girls who drop out from school, including primary school, affecting in particular rural and Roma women and girls;

(b) The persisting barriers in access to education for girls belonging to ethnic minority groups, girls with disabilities and migrant and refugee girls;

(c) The reported cases of harassment and abuse of girls in educational institutions;

(d) The persisting discriminatory gender stereotypes in the education system and insufficient sexuality education that addresses the social relations of gender and the impact of patriarchal attitudes and discriminatory stereotypes on sexual relations;

(e) The limited participation of women in tertiary education, in particular the lack of measures to monitor and promote access for women to non-traditional careers, including in science, technology, engineering and mathematics.

34. **In line with its general recommendation No. 36 (2017) on the rights of girls and women to education, the Committee recommends that the State party:**

(a) **Adopt targeted measures to combat school drop-out, focusing on measures to retain rural and Roma girls and migrant and refugee girls in school and to increase their attendance at the primary and secondary levels;**

(b) **Adopt a strategy to ensure that rural women, women belonging to ethnic minority groups, women and girls with disabilities and migrant, asylum-seeking and refugee women have access to mainstream education, and combat and eliminate discriminatory attitudes against, and stigmatization and bullying of, women in disadvantaged groups in education;**

(c) **Address all cases of violence against girls and women in educational institutions, through confidential and independent reporting mechanisms, effective investigations, criminal prosecutions where appropriate, the adequate punishment of perpetrators and the provision of services for victims;**

(d) **Integrate into the school curricula mandatory, age-appropriate sexuality education, including education on sexual and reproductive health and rights, ensuring that teachers play a substantial role in combating gender stereotypes;**

(e) **Promote the choice of non-traditional fields of study and career paths, such as science, technology, engineering and mathematics, among women and girls, including by providing career counselling and guidance and providing incentives, taking into account target 4.3 of the Sustainable Development Goals on ensuring equal access for all women and men to affordable and high-quality technical, vocational and tertiary education, including university education.**

Employment

35. The Committee welcomes the State party's efforts to improve public childcare allowances and the infrastructure of kindergartens in order to facilitate access for women to employment and the various programmes to promote that access, including the special pilot programme for the employment of persons belonging to the Roma ethnic community. It remains concerned, however, about the following:

(a) The wide gender pay gap, as noted by the Committee in its previous concluding observations (CEDAW/C/MKD/CO/4-5, para. 32), and its prevalence in sectors such as the garment industry, where women represent 81 per cent of workers;

(b) The low rate of participation of women in the labour market and the overrepresentation of women in unpaid care work and in the informal sector of economy;

(c) The fact that maternity leave is recognized only for women who are under formal employment agreements, which in practice excludes rural women;

(d) The obstacles that limit access to and recognition of pensions and social protection allowances for rural women who perform unpaid work in the agriculture sector;

(e) The difference between the maximum authorized ages of retirement for women and men, which has a detrimental impact on the amount of women's retirement pensions.

36. **The Committee recommends that the State party:**

(a) **Undertake comprehensive data collection, disaggregating those data by relevant factors, and research to identify and address the underlying causes of the gender pay gap;**

(b) **Adopt effective control mechanisms to ensure compliance with the obligation of equal pay for work of equal value and ensure the enforcement of the provisions in the Law on Labour Relations, including article 107 thereof;**

(c) **Adopt legislation and programmes to facilitate access to the formal labour market and give priority to the adoption of legislation and public policies to recognize caregiving as a form of work;**

(d) **Adopt measures to accelerate access for women to employment, including by providing targeted, lifelong and continuous training for women and by opening job positions for women in male-dominated professions;**

(e) **Provide rural women with access to different types of pensions and allowances to uphold an adequate standard of living and ensure that they benefit directly from social protection programmes in the State party;**

(f) **Expedite the amendment of legislation concerning paternity leave to meaningfully prolong the period of paternity leave, consider making paternity leave compulsory for fathers and promote and facilitate access to information and support for men with respect to shared parental care responsibilities;**

(g) **Adopt measures to register and recognize the work of rural women and make provisions for recognizing their rights to social benefits, including retirement pensions and other social protection allowances;**

(h) **Amend the Law on Labour Relations to ensure equality between men and women regarding the age of retirement.**

Health

37. The Committee notes the State party's efforts to align its actions concerning equal access to sexual and reproductive health with the 2030 Agenda, in particular the assessment of the national reproductive health strategy for the period 2020–2030, and that the State party's programme includes among its priorities the provision of free oral contraceptives. It is concerned, however, about the following:

(a) Information received by the Committee indicating that women who are not in possession of identity documents, mostly Roma, asylum-seeking and refugee women and girls, face barriers, such as stigmatization and additional costs, when endeavouring to access sexual and reproductive health services, including gynaecological services and prenatal and postnatal health-care services, in particular in cities such as Demir Hisar, Krusevo, Makedonski Brod and Probistip, and in rural areas;

(b) The lack of information about the impact and effectiveness of current sexuality education programmes;

(c) The information received by the Committee indicating that the use of modern forms of contraception is very low, at a rate of 12.8 per cent among women between 15 and 49 years of age, and that there is insufficient awareness of sexually transmitted infections such as HIV;

(d) The legal barriers to access to abortion, such as mandatory counselling, a three-day waiting period, a mandatory ultrasound before the procedure and sanctions against doctors performing abortions;

(e) Information about the stigma experienced by lesbian, bisexual and transgender women and intersex persons when endeavouring to access health care.

38. **The Committee recommends that the State party:**

(a) **Ensure access to affordable and high-quality health care and family planning and sexual and reproductive health services, take measures to prevent stigmatization and prejudices against Roma women among medical practitioners, integrate Roma health mediators into the public health-care system, prevent and eliminate the practice of charging illegal fees for public health services, in particular for Roma women, women living in rural areas, women with disabilities and migrant and refugee women;**

(b) **Provide information on the impact of the delivery of age-appropriate education on sexual and reproductive health in school and ensure that adolescents have access to accurate information about their sexual and reproductive health and rights, including on responsible sexual behaviour and the prevention of early pregnancy and sexually transmitted diseases;**

(c) **Ensure that modern forms of contraception and treatment for sexually transmitted infections are available to all women and girls and raise awareness regarding the prevention of unwanted pregnancy and sexually transmitted infections such as HIV and regarding responsible sexual behaviour, including in border areas and among Roma women and girls;**

(d) **Accelerate the amendment of the Law on Termination of Pregnancy, ensuring the removal of prerequisites concerning access to abortion, such as mandatory medical counselling prior to abortion, waiting periods and ultrasound screenings, and ensure the provision of quality post-abortion health-care services for women;**

(e) **Address the stigma experienced by lesbian, bisexual and transgender women and intersex persons when they endeavour to gain access to health care, including sexual and reproductive health care.**

Economic empowerment of women

39. The Committee notes the measures taken by the State party aimed at promoting entrepreneurship among women, in particular the support for micro- and small enterprises and self-employment initiatives. However, it notes the following with concern:

(a) The limited coverage of programmes to support entrepreneurship and that important initiatives for promoting the economic empowerment of women rely on external donors;

(b) The lack of information on whether women's organizations have been involved in designing and implementing national strategies to achieve the Sustainable Development Goals.

40. **The Committee recommends that the State party:**

(a) **Allocate additional earmarked financial resources for increasing access for women to microcredit, loans and other forms of financial credit in order to promote entrepreneurship and empower women economically, in particular with respect to rural women, Roma women, migrant and refugee women and women with disabilities, and provide capacity-building programmes for women aimed at improving their managerial skills;**

(b) Strengthen the role and financial allocations to the Ministry of Economy and the Agency for Promotion of Entrepreneurship to perform their mandates concerning gender equality and the empowerment of women;

(c) Implement a system to periodically collect data, disaggregated by relevant factors, on the impact of programmes and projects to promote the economic empowerment of women, including those living in rural areas;

(d) Ensure that women's organizations participate in planning and implementing national strategies to achieve the Sustainable Development Goals.

Rural women

41. The Committee is concerned about the following:

(a) The barriers to access for rural women to land titles, ownership and inheritance, as a consequence of gender stereotypes and traditional practices of "family" land ownership with respect to men;

(b) The absence of goals and indicators in development policies and programmes in order to monitor the situation of rural women;

(c) The limited participation of rural women in social allowances, including subsidies in rural areas, such as those established by the operational plan for implementation of the national strategy on agriculture and rural development for the period 2014–2020;

(d) The effects of climate change-related migration, which affect agricultural production and cause the internal migration of rural women;

(e) Barriers faced by rural women in gaining access to health-care services, in particular owing to the providers of such specialized services being long distances from rural areas, the lack of gynaecologists, deficient infrastructure and prejudices that prevent rural women from seeking health-care services.

42. **In line with its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) Develop a strategy to ensure access for rural women to land titles and ownership and adopt measures to protect their security of land tenure, including through awareness-raising campaigns to challenge cultural and traditional patterns that prevent equal access to and control of land by women;

(b) Adopt measures to mainstream and ensure that the benefits of rural development policies facilitate and promote the rights of rural women, irrespective of their civil, work or land ownership status, and provide in its next periodic report information about specific policies, indicators and targets for the equal inclusion of rural women in public policies and plans;

(c) Ensure that rural women have access to subsidies and rural development support measures to the greatest possible extent;

(d) Adopt measures to ensure that rural women are represented in decision-making processes at all levels in the agricultural sector, including with regard to policies concerning disaster risk reduction, post-disaster management and climate change;

(e) Involve rural women in the design and development of health-care services and programmes in rural areas and ensure that comprehensive health services are available and affordable across the State party.

Roma women

43. The Committee welcomes the measures taken by the State party to improve the situation of Roma women and girls, who are frequently exposed to intersecting forms of discrimination and marginalization. It notes with concern that public policies and strategies for Roma women have limited impact in areas such as employment, access to education and housing. The Committee also notes with concern that public policies have not produced changes in perceptions about Roma women and girls, who face stigmatization and harmful practices, in particular young Roma women.

44. **The Committee recommends that the State party:**

(a) **Adopt targeted measures, including temporary special measures, to combat intersecting forms of discrimination against Roma women and girls, including in education, employment, health care and housing;**

(b) **Develop specific poverty alleviation and social inclusion programmes for Roma women and girls;**

(c) **Engage with civil society organizations representing Roma women in order to strengthen advocacy against ethnic discrimination and promote tolerance and the equal participation of Roma women in all areas of life.**

Migrant, asylum-seeking and refugee women

45. The Committee notes that the State party has developed reception centres for migrants and asylum seekers and has adopted measures to provide a humanitarian response to the high number of persons in transit throughout its territory. It is concerned, however, about:

(a) The risk of violence, including sexual violence, against migrant, asylum-seeking and refugee women in the absence of a specific legal framework providing for their protection, including during the process of their transfer to neighbouring countries;

(b) The unavailability, in practice, of legal aid for women seeking asylum, owing to the administrative requirements in place;

(c) The limited access for migrant and refugee women to employment, education and health-care services in the State party, notwithstanding the existence of legislative provisions providing for access to health care for all migrants, irrespective of status;

(d) The restrictive provisions of the Law on Foreigners of 2018 that limit the right to family reunification and access to residence permits for non-married women and women intimate partners.

46. **The Committee recommends that the State party:**

(a) **Monitor and prevent any form of violence against women and girls, including unaccompanied girls in reception centres, improve the availability of open reception facilities for female migrants and provide a sufficient number of female staff members among medical and security personnel;**

(b) **Provide training on women's rights and gender-sensitive procedures to the border police officers, migration inspectors and civil servants in charge of migratory proceedings;**

(c) **Implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in respect of migrant, asylum-seeking and refugee women;**

(d) Strengthen measures to ensure that refugee status determination procedures and decisions on appeal are conducted in a gender-sensitive manner and remove the administrative requirements that limit access to free legal aid;

(e) Ensure effective access to employment, health care, housing and education for migrant, asylum-seeking and refugee women and girls;

(f) Apply legal provisions concerning family reunification to all migrant and refugee women, regardless of marital status.

Marriage and family relations

47. The Committee is concerned about the following:

(a) The narrow scope of article 197 of the Criminal Code, in which "extramarital life with a juvenile" does not cover children between 16 and 18 years of age;

(b) The lack of mandatory registration of all marriages, which leads to high prevalence of unregistered marriages, including of child marriages, which leave women and girls with no legal protection of their rights, including property rights, during such unions and upon their dissolution;

(c) The reports received regarding child marriages that involve "buying" child brides from less-developed parts of the country;

(d) The fact that the State party's current legislation on property distribution upon divorce does not adequately address the gender-based economic disparities between spouses resulting from traditional work and family life patterns, in particular the absence of legal mechanisms that provide for the recognition of intangible assets, including pensions and other work-related benefits, and future earning potential for the purposes of property distribution upon divorce;

(e) The legislation and practices that do not adequately take into account gender-based violence in the domestic sphere in determining child custody.

48. **The Committee draws attention to its general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution and recommends that the State party:**

(a) Amend the Criminal Code in order to ensure that the definition of "extramarital life with a child" includes children between 16 and 18 years of age;

(b) Enhance its efforts to ensure the registration of all marriages and undertake legislative reforms aimed at protecting the rights of women in unregistered marriages and de facto unions;

(c) Prohibit and sanction any practices allowing or promoting child marriage and develop strategies to identify and sanction parents, guardians or third parties involved in the practice of "buying" child brides;

(d) Revise the definition of matrimonial property so that a marital right includes pension rights and other work-related benefits, in addition to future earnings, and adopt other legal measures as may be necessary to redress economic disparities between women and men upon the dissolution of marriage, including in particular recognizing all career-related assets, such as earning potential, personal goodwill and enhanced human capital, as part of the marital assets to be distributed between the spouses upon divorce or taken into account in the award of post-divorce periodic payments;

(e) Ensure the full implementation of the joint property regime upon the dissolution of marriage by abolishing any requirement for women to prove their share in and contribution to such joint property, eliminate the possibility of an unequal sharing of joint property and adopt the legal measures necessary to guarantee that women living in de facto relationships have economic protection, by recognizing their rights to the property accumulated during the relationship;

(f) Review gender-neutral provisions in its Law on Family and adopt measures, including protocols for the Centres for Social Work, to ensure that gender-based violence against women in the domestic sphere is taken into account in child custody decisions.

Amendment to article 20 (1) of the Convention

49. **The Committee encourages the State party to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Dissemination

50. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Assembly and the judiciary, to enable their full implementation.**

Technical assistance

51. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

52. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

Follow-up to the concluding observations

53. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a) and 16 (a)–(c) above.**

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Preparation of the next report

54. **The Committee requests the State party to submit its seventh periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

55. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**